

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

Complaint on First-Class Mail  
Service Standards

Docket No. C2001-3

MOTION OF THE UNITED STATES POSTAL SERVICE  
REQUESTING ADOPTION OF PROPOSED STIPULATIONS  
(February 13, 2003)

As reflected on page 2 of the February 12, 2003 comments of the Complainant in response to Presiding Officer's Ruling No. C2001-3/34, the Complainant and the Postal Service have not succeeded in efforts to informally resolve an outstanding discovery dispute in this proceeding. For the reasons stated below, the Postal Service moves that the Presiding Officer resolve the dispute by directing the parties to abide by the terms of stipulations proposed herein.

At the heart of the dispute is Complainant's request for access (in interrogatory DFC/USPS-7) to a portion of approximately 11,000 records maintained by the USPS Headquarters Office of Consumer Affairs for the fiscal years 2000 and 2001. These records consist of correspondence reflecting comments and other expressions of concern from postal patrons on a broad spectrum of service-related issues.<sup>1</sup>

Before these documents were processed for response by the Office of Consumer Affairs, they were examined for the purpose of maintaining a tally of the general subjects to which they pertained. The tallies are recorded in a database maintained by the Office of Consumer Affairs and are indexed by class of mail or special service and

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<sup>1</sup> In accordance with the terms of the Privacy Act, 5 U.S.C. § 552a, these documents are maintained in a system of records retrievable only by reference to the correspondent's name. It is assumed that access is requested in a manner that would not reveal the names and/or addresses of any correspondents.

then by broad categories of issues.<sup>2</sup> The correspondence is alphabetically filed and is retrievable by name of correspondent. However, it is not filed or retrievable by mail class or subject matter.

Unlike in subsequent years, the FY2000-01 correspondence was not electronically scanned. In addition to alphabetical retrieval, the electronic scanning and indexing of contemporary correspondence now permits the Postal Service, with only the slightest burden, to isolate each piece of correspondence by mail class and index subject matter and retrieve an electronic copy. The correspondence at issue here, however, is not subject to the benefits of such technology. Thus, while it may be possible, for instance, to rapidly isolate and retrieve all correspondence from FY 2003 that is indexed under “First-Class Mail -- Rates/Fees,” one would need to manually retrieve and read all 11,000 pieces of correspondence for FY 2000 and 2001 to isolate each piece that could be said to pertain to that subject matter.

As indicated in the Postal Service’s February 5, 2003, Status Report, the index shows that 26 pieces of correspondence in FY2000 were categorized as pertaining to “Time/Service Objectives” of First-Class Mail. The corresponding figure for FY2001 is 81. Typically, such correspondence addresses a customer’s experience with late delivery of First-Class Mail (in relation to expectations based on delivery standards). It is within the realm of possibility that this correspondence could include one or more expressions of concern about the service standard changes at issue in this proceeding. However, it is impossible to make such a determination without performing a piece-by-piece examination of all 11,000 pieces of FY 2000-01 correspondence.

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<sup>2</sup> For First-Class Mail, those issue areas are: (1) Classification/Mailability; (2) Forms/Labels; (3) Rates/Fees; (4) Service Not Available; (5) Size/Weight Standards; and (6) Time/Service Objectives.

It is noteworthy that when the Office of Consumer Affairs requires assistance in responding to customer inquiries, it generally engages subject matter experts from various other components of management at postal headquarters for their insight. Headquarters personnel with expertise regarding the service standard changes do not recall any such correspondence being referred to them from Consumer Affairs during this period.<sup>3</sup>

Based upon the indices maintained by the Office of Consumer Affairs, it is clear that some unknown number (between 0 and 107) of FY 2000-01 correspondents may have expressed concern about the service standard changes. With all due respect to the Commission, the Postal Service considers it inconceivable that the precise number will have any bearing on the resolution the issues raised by the complaint in this proceeding. The Postal Service considers the same to be the case regarding the quality or tone of the prose in any such correspondence.

The fact that one or more people may have written the Office of Consumer Affairs in either 2000 or 2001 to express sentiments aligned with those underlying the Complaint in this proceeding may be of great personal interest to Complainant. But that personal interest does not justify the expenditure of the workhours (described in the Postal Service's February 5, 2003, Status Report) that would be required to comply with the request in DFC/USPS-7, especially given the lack of value that such information would have in resolving the material issues in this proceeding.

The Postal Service is prepared to stipulate that the number of pieces of correspondence that raised the issue of the service standard changes in FY 2000 is somewhere between 0 and 26. Likewise, the Postal Service is prepared to stipulate

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<sup>3</sup> Again, while this does not prove that there was no correspondence pertaining to the service standard changes at issue, it suggests that the overwhelming bulk of such "Time/Service Objectives" correspondence dealt with other matters of equal importance.

that the number of pieces of correspondence that raised the issue of the service standard changes in FY 2001 is somewhere between 0 and 81. For purposes of argument or testimony, the parties can cling to any specific number within the range that suits their purposes. Accordingly, the Postal Service moves that the Presiding Officer determine that the adoption of such stipulations is appropriate for the narrow purposes of this proceeding.

Finally, the Postal Service takes issue with Complainant's characterization of its conduct in this proceeding as a willful disregard of any of its obligations. Such a characterization is no more fairly applied to the Postal Service than it would be to a party whose first communication with the Postal Service in response to the provision of data in USPS-LR-C2001-3/10, under protective conditions on September 20, 2002, was to indicate five months later that, in lieu of utilizing the voluminous data provided at the conclusion of that contentious discovery dispute, he is now willing to accept the public data first offered by the Postal Service on November 14, 2001,<sup>4</sup> in its effort to steer this case toward its conclusion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>4</sup> In its Opposition to the Motion to Compel a Response to DFC/USPS/1, at page 12.

**CERTIFICATE OF SERVICE**

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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February 13, 2003  
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